

REMARKS

Summary of the Office Action

Claims 1-17 and 25-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako et al. (U.S. Patent No. 6,971,024) (hereinafter "Sako") in view of Matsunaga et al. (JP09-139055) (hereinafter "Matsunaga").

Claims 20-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako in view of Matsunaga, and further in view of Yamamoto et al. (U.S. Patent No. 5,805,537) (hereinafter "Yamamoto").

Summary of the Response to the Office Action

Applicants have newly-amended claims 1-7 to differently describe embodiments of the disclosure of the instant application. Applicants have canceled remaining claims 8-29 without prejudice or disclaimer. Accordingly, claims 1-7 remain currently pending and under consideration.

Rejection under 35 U.S.C. § 103(a)

Claims 1-17 and 25-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako in view of Matsunaga. Claims 20-24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako in view of Matsunaga, and further in view of Yamamoto. Applicants have newly-amended claims 1-7 to differently describe embodiments of the disclosure of the instant application. Applicants have canceled remaining claims 8-29 without prejudice or disclaimer. To the extent that these rejections might be deemed to still apply to the remaining claims 1-7 as newly-amended, they are respectfully traversed for at least the following reasons.

At page 9, section 4 of the Final Office Action, the Examiner states that Sako discloses the feature of "a compressed information same as a part of a content of the uncompressed information." More particularly, the Examiner states that in "Fig. 15, S22 wherein it is determined whether the content of the compressed information (second part) is the same as the content of the uncompressed information (first part) (col. 3, lines 35-48)."

Applicants, however, respectfully disagree with the Examiner's statements in these regards for at least the following reasons. In the disclosure in connection with Fig. 15, S22 of Sako, it is described that "[w]hen it is determined in step S22 that the data recorded in the second part PA2 is encrypted data, it is determined in step S26 whether the data has almost the same contents as the contents recorded in the first part PA1 by referring to collateral information. When ..., that is, almost the same contents recorded in the first part PA1, ... (emphasis added)." See col. 16, line 66 to col. 17, line 6 of Sako. Applicants respectfully submit that Sako does not disclose the structure of the invention as described in the newly-amended claim 1, of "...; the plurality of first

contents in the first reproduction area include contents which are same as all of the second contents in the second reproduction area ... in the second reproduction area; ...". In other words, Applicants respectfully submit that in the invention disclosed in the instant application, contents which are same as all of the second contents in the second reproduction area are certainly included in the plurality of first contents in the first reproduction area. Applicants respectfully submit that in Sako, there is a case in which the information being recorded in the second recording area PA2 is not recorded in the first recording area PA1. Accordingly, Applicants respectfully submit that Sako also does not disclose at least this particular portion of the disclosed invention of the instant application to any extent.

In addition, Applicants respectfully submit that Sako does not disclose the structure of the invention described in the newly-amended claims, for example, in that the first control information area of the invention and the second control information area of the invention are formed separately from each other. The collateral information of Sako includes both the collateral information for the first recording area PA1 and the collateral information for the second recording area PA2. Concerning this point, Applicants respectfully submit that Sako also does not disclose this portion of the disclosed invention of the instant application to any extent.

Applicants respectfully submit that, as a result of the above-described advantageous features, the invention described in the newly-amended claims of the instant application has a remarkable effect in that, for example, normal reproduction of the reproduction information units, copy of the reproduction information units to another recording medium or the transmission of the reproduction information unit become possible in the suitable state for the reproduction environment. Applicants refer to the discussion in this regard in paragraphs [0064] and [0065], for example, of the specification of the instant application.

Newly-amended independent claims 4-7 have been amended to include similar features as discussed above with regard to newly-amended independent claim 1 of the instant application. Accordingly, similar arguments as set forth above with regard to newly-amended independent claim 1 of the instant application also apply to newly-amended independent claims 4-7 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Sako, Matsunaga and Yamamoto, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claims 1 or 4-7 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the combinations recited in Applicants’ claims, and if anything appears to teach away from the current claim recitations, KSR Int’l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the newly-amended dependent claims 2 and 3 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously. Applicants respectfully submit that the features described in newly-amended dependent claims 2 and 3 are disclosed, for example, in paragraphs [0022], and [0024]-[0026] of the specification of the instant application.

CONCLUSION

In view of the foregoing discussion, Applicants respectfully requests the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



Paul A. Fournier

Reg. No.: 41,023

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By:

CUSTOMER NO. 55694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202)-204-0289